



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

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PART II—Section 2

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 31st March, 1992:—

I

BILL No. VIII OF 1992

A Bill to provide for prevention of communal riots by providing deterrent punishment for those persons involved in communal riots or who preach communalism and for the payment of financial assistance to the victims of communal riots and for their rehabilitation by the State and for matters connected therewith.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Prevention of Communal Riots and Rehabilitation of Victims Act, 1992.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 1st day of January, 1984.

Short
title,
extent
and
com-
mence-
ment.

(1)

Defini-
tions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means in relation to any of the matters falling within the purview of a State, the Government of that State and in relation to any other matter the Central Government;

(b) "communal riot" means outbreak of lawlessness on the part of a crowd caused by religious, communal or caste hatred or fervour resulting in death and injuries to the citizens and destruction of movable and immovable properties therein;

(c) "Commissioner" means Commissioner for payment of financial assistance to the Victims of Communal riots appointed under section 9;

(d) "dependent" means any of the relatives or dependents as defined in section 2 of the Workmens' Compensation Act, 1923.

(e) "prescribed" means prescribed by rules made under this Act.

Govern-
ment to
prevent
com-
munal
riots.

3. It shall be duty of the appropriate Government to prevent the occurrence of communal riots in any part of its jurisdiction.

Certain
disquali-
fications
for
persons
found
guilty in
a com-
munal
riot or
preach-
ing com-
munalism
or abet-
ting com-
munal
riot.

4. (1) Notwithstanding anything contained in the Representation of the People Act, 1951 or any other law for the time being in force, any person found guilty of taking part in a communal riot or found preaching communalism or abetting a communal riot, shall be disqualified from holding any office under the Union Government or the Government of a State or from voting or contesting any election to any local body, Legislature of a State and to Parliament.

(2) The provisions of sub-section (1) shall be in addition to the punishment provided for the said offences in the Indian Penal Code, 1860 or any other law for the time being in force.

Financial
assis-
tance to
depen-
dents of
victims
of com-
munal
riot.

5. (1) The appropriate Government shall pay financial assistance of rupees two lakhs in one lump sum to a dependent of a person killed in any communal riot in any part of the country.

(2) The provision of sub-section (1) shall be in addition to and not in derogation of any other law for the time being in force, regulating the matters mentioned in sub-section (1).

6. If any person killed in a communal riot was the sole earning member of his family the appropriate Government shall provide suitable employment to at least one eligible member of the family of the victim within a period of six months of the occurrence of such riot. Em-
ploy-
ment to
one
member
of a
victim's
family.
7. If injury is caused to a person in the course of a communal riot the appropriate Government shall pay financial assistance to the said person, according to the nature and effect of the injury as may be prescribed. Financial
assis-
tance
for
injury
to the
person.
8. If a person loses his property during a communal riot the appropriate Government shall pay financial assistance to him and the amount of financial assistance for loss or damage of property shall be calculated on the basis of substitution or replacement cost of market value, as the case may be, of the property. Financial
assis-
tance for
loss of
property.
9. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a Commissioner, as soon as may be, for the purposes of this Act. Appoint-
ment of
Commis-
sioner.
- (2) The Commissioner to be appointed under sub-section (1) shall be a person who has been or is qualified to be a judge of a High Court or who is and has exercised the powers of a District judge.
10. (1) The Commissioner shall, as soon as may be, invite and en-
tertain claims from all persons who are entitled to receive financial assistance under this Act. Inviting
claims.
- (2) The Commissioner shall notify a date by which the claims under this Act shall be filed specifying the particulars and the nature of the supporting documents required to be filed by the claimant:
- Provided that the claims arising from riots which took place between the first day of January, 1984 and the commencement of this Act may be filed within such period as may be prescribed after the commencement of this Act.
11. The Commissioner shall dispose the claims filed with him within sixty days of the date of filing thereof. Disposal
of
claims.
12. The appropriate Government shall pay the financial assistance within thirty days of the clearance of the claim by the Commissioner. Time
within
which
financial
assis-
tance be
paid.
13. Where the Commissioner is of the opinion that the financial assistance in any case under this Act has been obtained by any person by fraud or impersonation or any other improper means any amount so paid to or received on behalf of such person may be recovered in such manner as may be prescribed: Recovery
of im-
proper
pay-
ments.

Provided that no order for recovery shall be passed without giving reasonable opportunity of being heard to the person concerned.

District
authori-
ties to
submit
parti-
culars of
commu-
nunal
riot to
commis-
sioner.

14. The Commissioner may, if he thinks fit, require, through a notice to the District administration authorities of the district wherein the communal riot takes place to submit to him within such period as may be specified in the notice, a Statement giving the circumstances leading to the communal riot and extent of the loss of life, limbs and property in such riot.

Provision
of Com-
mittee.

15. (1) The Commissioner may, if he thinks fit, requisition the services of one or more persons possessing special knowledge of any matters relevant to the claims to assist him in discharge of his functions under this Act.

(2) The Commissioner may also, if he thinks fit, appoint a committee of local citizens to verify the claims filed with him under this Act.

Appeal.

16. Any person aggrieved by the order or decision of the Commissioner may appeal to the High Court of the State wherein the riot has taken place.

Saving of
other
laws.

17. The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act and all suits, claims and proceedings arising under this Act but pending in any court shall be dealt with and decided by such court, so far as may be, as if they had been originally instituted under this Act.

Power to
make
rules.

18. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Ours is a secular State and the Constitution has given freedom of religion to its citizens. But experience shows that this freedom of religion has consistently been misused by the communal forces in the country. These communalists use religion as a means of spreading communal hatred and ill-will between various religions and communities for their selfish gains. As a result large scale communal riots are occurring throughout the country even after 44 years of independence. The country has regularly witnessed communal riots between Hindus and Muslims, but November, 1984 saw the Sikh community being sacrificed on a large scale, at the alter of communal riots throughout the country. This kind of special violence has thus assumed an endemic form and virulent dimension in our country. It has given rise to deaths and injuries to persons and destruction of property on a mass scale.

The communal riots leave behind scores of orphans, widows, homeless and indigent persons. Government and administrative machinery appears to be helpless in the face of such disturbances, unable to preempt the outbreak or to control it by timely and effective action. The country has also witnessed active involvement of the police force and leaders of political parties in acts of violence directed against one community or another. Sometimes this has put a question mark both on the efficiency and the impartiality of the State itself.

After the communal riots generally the Administration starts relief work for the victims which remains nominal or inadequate and on a much smaller scale. The relief is not even comparable to the compensation which is given to the victims of railway accidents what to speak of air accidents. Even this nominal relief is not given in many cases. In fact what little is done is done as an act of charity or of patronage.

The State has a moral duty to compensate and rehabilitate the victims of communal riots. Generous rehabilitation would heal the wounds and pave way for reconciliation between the communities concerned. Communal riots are very often motivated by a desire to cause economic losses. If adequate compensation is given to the victims it would deter such motivation. It is high time to provide for deterrent punishment to those political leaders who are involved in communal violence and who preach communalism by depriving them of the privileges provided under the Constitution. These politicians should be barred from holding any office or from contesting any election. In this Bill an attempt has been made to provide for certain actions which may help in preventing communal riots to a great extent.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 5 provides for financial assistance to dependants of victims of communal riots. Clause 6 provides for employment to one member of victims' families. Clauses 7 and 8 provide for financial assistance for injuries and loss of property. Clause 9 provides for appointment of Commissioner. The Bill if enacted, is likely to involve a recurring expenditure of rupees five hundred crores per annum from the Consolidated Fund of India.

Non recurring expenditure of rupees ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Government to make rules which will relate to matters of details only. The delegation of legislative power is of normal character.

II

BILL NO. VII OF 1992

A Bill to provide for the establishment of a Working Journalists Welfare Fund at the national level for promoting welfare of the Journalists employed in various newspaper establishments and for matters connected therewith.

BE it enacted by Parliament in the Forty-third year of the Republic of India as follows:—

1. (1) This Act may be called the Working Journalists Welfare Fund Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

(a) “accident” with its grammatical variations and cognate expressions means an unexpected event causing injury, damage to any part of the body or death and includes any fatal disease which is contracted by a working journalist within or outside the working hours;

Short
title,
extent
and
com-
mence-
ment.

Defini-
tions.

(b) "competent authority" means any authority authorised by the Government, by notification in the Official Gazette, to perform all or any of the functions of the competent authority as may be specified therein under this Act;

(c) "fund" means the Working Journalists Welfare Fund established under section 3;

(d) "Government" means the Central Government;

(e) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers, news magazines or for conducting any news agency or news syndicate within the country;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "working journalists" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment and includes an editor, a lead writer, news editor, sub-editor, feature writer, copy taster, reporter, correspondent, cartoonist, news-photographer and proof reader working in such establishment.

Estab-
lish-
ment of
Working
Journa-
lists
Welfare
Fund.

3. With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Working Journalists Welfare Fund, moneys into which shall be—

(a) given by the Government after due appropriation made by Parliament from time to time;

(b) contributed by a newspaper establishment in such manner as may be prescribed; and

(c) received as voluntary donations from any individual or organisations

and the said fund shall be managed by a Board of Trustees appointed under section 4.

Board of
Trustees.

4. The Board of Trustees shall have one Chairman, who shall be nominated by the Government and as many other members as are in the opinion of the Government required to manage the fund and all such members shall be elected from the representatives of organisations representing the working journalists and other newspaper employees in the country.

Applica-
tion of
Fund.

5. The fund shall be spent by the Board of Trustees to meet the expenditure in connection with measures which in the opinion of the Board of Trustees are necessary or expedient to promote the welfare of the working journalists in the country and in particular for—

(i) providing and improving housing and recreational facilities;

(ii) rendering adequate financial assistance in case of infirmity and disability due to accident or old age;

(iii) rendering adequate financial assistance to the Kith and Kin of a working journalist who dies prematurely due to an accident or otherwise;

(iv) providing school and college education to the dependent children of a working journalist who dies prematurely or becomes infirm or disable and for the improvement of their standard of living and nutrition;

(v) providing and improving such other welfare measures as may be prescribed from time to time.

6. The provisions of Section 5 shall be carried out under the guidance and supervision of the Board of Trustees who shall constitute regional committees in different parts of the country for the effective implementation of the said provisions.

Regional
Com-
mittees.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Savings.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make
rules.

STATEMENT OF OBJECTS AND REASONS

In a democracy like ours, Press plays a very significant role in its proper functioning. It highlights the shortcomings in the governance of the country which compels the Government to rectify the errors and function properly for the welfare of the people. But journalists play vital role in giving the necessary news and maintaining the press function properly. The journalists collect news undeterred by season, hostile atmosphere and violence. They do not bother for scorching heat, chilly winters and intermittent rains. Be it a bandh, demonstration, communal riot, curfew or even war the journalist gathers the news for his newspaper establishment even if there is a risk to his own life. A photographer of a newspaper establishment covers every important aspect of a news taking his own life. Sometimes the risk becomes a reality and mishaps take place which render the near and dear ones of such journalists totally helpless. The newspaper establishments do provide some relief but that remains inadequate. The entire life style of dependents of such a journalist changes overnight. Some recent incidents such as the death of a correspondent while covering the demonstration of lawyers agitation and the death of another young energetic correspondent in a tragic road accident in the capital have highlighted the dangers involved in this profession and the helplessness of their near and dear ones. In the first case referred to above a sum of rupees one lakh was collected by the colleagues of the deceased and handed over to his old parents. In such prevailing circumstances it is felt that a welfare fund for the working journalists should be established in the country in which money be given by the Central Government and newspaper establishments from time to time and welfare measures should be undertaken therefrom for the working journalists and for their near and dear ones so that the journalists could discharge their duties fearlessly.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Working Journalists Welfare Fund. Clause 4 provides for a Board of Trustees. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crores is likely to be incurred as recurring expenditure every year.

A non recurring expenditure of rupees twenty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. They will relate to matters of details only. The delegation of legislative power is of normal character.

III

BILL No. XIV OF 1992

A Bill to provide for the free educational and hostel facilities upto post graduate level of studies for the students belonging to Scheduled Castes, Scheduled Tribes and economically backward classes in the country and for matters connected therewith.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title, ex-
tent and
commen-
cement.

1. (1) This Act may be called the Free Educational and Hostel facilities for the students belonging to Scheduled Castes, Scheduled Tribes and Economically backward Classes Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the Central Government in respect of those educational institutions which fall within its jurisdiction and the concerned State Government in respect of those educational institutions which fall within the jurisdiction of that Government;

(b) "economically backward class student" means any student belonging to a family whose total income does not exceed rupees twenty thousand per annum;

(c) "educational institution" means any college, including medical and engineering college, institute, University whether established by Government or by any citizen or body of citizens and whether in receipt of any aid from Government or not, recognised by the appropriate Government for award of a certificate, diploma or degree in any general, technical, professional or other course of study, education or training;

(d). "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force every educational institution shall impart free education to every students belonging to Scheduled Caste, Scheduled Tribe and Economically backward classes enrolled therein upto a maximum period of six years from the date of his enrolment in such institution or till the completion of the course of study including post graduate studies whichever is earlier.

Free educational facilities for students belonging to certain categories.

4. The appropriate Government shall provide free boarding and lodging to students governed by this Act in such manner and for such period as may be prescribed.

Free hostel facilities in certain cases.

5. The Appropriate Government shall open as many hostels as may be necessary for carrying out the purposes of this Act at such places and in such manner as may be prescribed.

Appropriate Government to open Hostels.

6. The provisions of this Act shall be in addition to and not in derogating of any other law for the time being in force regulating any of the matters dealt with in this Act.

Savings of other laws.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our country even after 44 years of independence, majority of the students belonging to Scheduled Castes, Scheduled Tribes and economically backward classes do not complete even their school education what to talk of University level education. The poorest among them do not even go to Primary Schools and remain illiterate and continue to be exploited in the society not only because of their caste and tribe but also due to their illiteracy. The Government gives free school education to them but that is not enough. After school when they go to the college or University it is beyond their reach to pay either the tuition fee or the hostel charges therein. Medical and Engineering students have to stay in hostels which are very expensive and students belonging to these economically poor categories cannot afford to stay therein. This compels even the brightest students among them to opt out from higher education. In some cases their tuition free is exempted but that is not enough. It is, therefore, necessary that students belonging to Scheduled Castes, Scheduled Tribes, and Economically Backward Classes are provided free hostel facilities and free education to enable them to pursue their higher education. That is why the great leader late Shri Rajiv Gandhi in the 1991 general election manifesto of the Indian National Congress had promised to the electorate of—"Guarantee of tuition fee and maintenance allowance to every SC/ST student admitted to any University for a maximum period of six year" within 365 days, in case the Congress comes to power. Fortunately the Congress has been returned to power and there is no doubt that Government will fulfil its promise made to the electorate. But now the Government has also included in its welfare ambit economically backward class of people, it will be appropriate to enlarge the scope of the promise to the electorate. This can be achieved by providing free educational and hostel facilities to such students by the appropriate Governments.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free educational facilities to the students belonging to Scheduled Castes, Scheduled Tribes and economically backward classes. Clause 4 again provides for free hostel facilities for them. Clause 5 provides for opening of more hostels. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of rupees one hundred crores is likely to be involved every year.

A non-recurring expenditure of rupees twenty crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to frame rules which will relate to matters of details only. The delegation of Legislative power is of normal character.

IV

BILL No. XXI OF 1992

A Bill to provide for the financial assistance to widows and other destitute women and certain welfare measures to be undertaken by the State for them and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short
title,
extent
and
commen-
cement.

1. (1) This Act may be called the Widows and Destitute Women (Financial Assistance and Welfare) Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government and in other cases the Central Government;

(b) “Authority” means the Widows and Destitute Women’s Welfare Authority established under section 3;

(c) “destitute woman” means any woman who lives uncared for and is stricken with infirmity owing to age, physical deformity or ailment or mental imbalance;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "widow" means a female citizen of India who has attained the age of eighteen years and whose husband has died after her legal marriage.

3. (1) The appropriate Government shall, by notification in the Official Gazette, establish a Widows and Destitute Women's Welfare Authority.

Establishment of Widows and Destitute Women's and Welfare Authority.

(2) Every Authority established under sub-section (1) shall have such set up and such power as may be prescribed by the appropriate Government from time to time.

4. (1) Every Authority shall,—

Functions of the Authority.

(a) maintain a district or areawise register of widows having no independent and adequate means of livelihood irrespective of their religion, caste, creed or colour;

(b) maintain a district or areawise register of destitute women;

(c) register the names of widows and destitute women in its jurisdiction in the registers referred to in clause (a) and (b) respectively;

(d) give wide publicity through radio, television, newspapers and other media about registering the widows and destitute women.

(2) The Authority shall perform such other functions as may be assigned to it by the appropriate Government from time to time.

5. The appropriate Government shall provide to every widow registered under this Act,—

Financial assistance and other facilities to widows.

(a) an amount not exceeding rupees seven hundred per month in case the widow is having two or more living dependent children or rupees three hundred per month in case the widow has no living dependent child, as financial assistance;

(b) residential accommodation free of cost;

(c) free education to dependent children upto senior secondary level;

(d) employment to such a widow or her major dependent children by providing reservation in public employment;

Providing that if a widow gets a gainful employment or remarries all the facilities provided to her and her dependent children under this Act shall be withdrawn from the date she gets employment or remarries.

Finan-
cial assis-
tance and
other
facili-
ties to
destitute
women.

6. The appropriate Government shall provide to every destitute woman registered under this Act the following facilities namely:—

- (a) financial assistance as may be prescribed;
- (b) gainful employment;
- (c) free vocational education wherever possible;
- (d) free medical care; and

(e) such other facilities, as may be necessary, for her proper development, welfare and maintenance:

Provided that if a destitute woman gets married or remarries, as the case may be, all the facilities provided to her under this Act shall be withdrawn.

Constitu-
tion of
Widows'
and
Destitute
Women's
Welfare
Fund.

7. (1) For the purposes of this Act, the Central Government shall constitute, a Fund to be called the Widows and Destitute Women's Welfare Fund, moneys into which shall be provided by the Central Government after due appropriation made by Parliament in this behalf from time to time.

(2) Such fund shall be distributed among the Authorities in the ratio of Widows and Destitute Women registered in their respective areas.

Savings
of other
laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, regulating any of the matters dealt within this Act.

Power
to make
rules

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country there is a very large number of widows and other destitute women who live uncared for in society. Many of them are stricken with infirmity particularly due to old age or physical deformity or serious and prolonged ailment, and in many cases suffer from mental imbalance. The majority of widows have no means to support themselves and their dependent children. People on the pretext of helping them, try to exploit them in various ways and they are ill-treated even by their own relatives. Similar is the position of destitute women in our society. They are also ill-treated by people at large. Most of them are unemployed and due to their ailment die prematurely. In a democratic set up like ours, it is the primary duty of the Government at the National and State level to ensure that the hapless widows and destitute women get necessary financial assistance and other facilities which may help them and their dependent children to lead a happy and respectable life and all such unfortunate ones should be protected from all kinds of exploitation in society.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Widows and Destitute Women's Welfare Authority. Clause 5 provides for financial assistance and other facilities to widows and clause 6 provides for similar facilities to destitute women. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crores is likely to be involved per annum as recurring expenditure.

Non-recurring expenditure to the tune of rupees one hundred crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 gives rule making powers to the Central Government which will relate to matters of details only. The delegation of Legislative power is of normal character.

V

BILL NO. XXIII OF 1992

A Bill to provide for the special educational facilities to children of parents living below poverty line throughout the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

- | | |
|---|---------------------------------------|
| 1. (1) This Act may be called the Children of Parents Living Below Poverty Line (Special Educational Facilities) Act, 1992. | Short title, extent and commencement. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force at once. | |
| 2. In this Act, unless the context otherwise requires,— | Definitions. |
| (a) "appropriate Government" means in the case of a State, the State Government and in all other cases the Central Government; | |
| (b) "parents living below poverty line" means those parents of a child whose monthly income from all the sources is less than five hundred rupees per mensem; | |
| (c) "prescribed" means prescribed by rules made under this Act. | |

Free education to children born of parents living below poverty line.

3. Notwithstanding anything contained in any other law for the time being in force the appropriate Government shall provide all children born of parents living below poverty line free education from school to post graduate levels and in technical Institutions including medical and engineering Colleges.

Provision of certain facilities to children of parents living below poverty line.

4. The appropriate Government shall provide all children of parents living below poverty line and getting education under section 3 free of cost necessary books, writing materials, clothing, hostel facilities wherever necessary, transportation and such other facilities which are essential for education as may be prescribed from time to time.

Scholarships in deserving cases.

5. The appropriate Government shall provide monthly scholarships to the children of parents living below poverty line in deserving cases during their education at such rates as may be prescribed.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Nearly 40 per cent. of the total population of our country live below the poverty line. Their income is meagre and they fight for their subsistence throughout their lives. They had a hand to mouth existence and cannot even think of getting elementary education which may enable them to read and write. Since promotion of universal education and establishment of classless and creedless society is one of the basic aims of our Constitution, the Governments at the National and State levels should make provisions for free educational facilities and provide books, uniform, writing materials, transportation and hostel facilities free of cost to the children of persons living below the poverty line that is to say, whose total family income is below five hundred rupees per month, so that they could get proper education and have better job opportunities and are able to raise their standard of living. It will also be a major step in eradicating illiteracy from the country and achieving the goals of universalisation of education by our country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education to children born of parents living below poverty line. Clause 4 provides for certain facilities to such children and clause 5 provides for scholarships in deserving cases. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees three hundred crores is likely to be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of Legislative power is of normal character.

VI

BILL No. XXIV of 1992

A Bill to provide for the Constitution of certain to ensure freedom of access to and obtaining public information for citizens and for matters connected therewith.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom of Information Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title-
extent and
commence-
ment.

2. Notwithstanding anything contained in any other law for the time being in force, no citizen of India shall be denied the freedom to have access to or to obtain information relating to public affairs, save as otherwise provided in this Act.

Citizens not
to be denied
freedom of
information.

3. (1) The Central Government shall constitute such number of agencies to be called the National Information Bureau (hereinafter referred to as Bureau in every State and Union Territory as it may consider necessary for ensuring the freedom of access to and obtaining public information for the citizens.

Constitution
of National
Information
Bureaus.

(2) Each Bureau shall consist of such number of advisors as the Central Government may determine from time to time.

(3) Each Bureau shall have a Chief of Bureau to function as its head who shall be appointed by the Central Government.

(4) The Advisors to a Bureau shall be appointed by the Central Government on the advice of its Chief of Bureau in such manner that they represent the concerned sectors of public information and shall be capable of ensuring freedom of access to and obtaining as much public information for the citizens as the Bureau may find it possible to make available to the public for inspection and copying.

Classification of information.

4. Each Bureau shall classify all information available with or to be made available to it, in such manner as it may deem practicable and convenient keeping in view the nature and source of the information.

Exemption of certain types of information from disclosure.

5. Certain types of information may, by notification in the Official Gazette by the Central Government or the Governments of the States or the Administrations of the Union territories, be declared as secret in the interest of national defence of foreign policy or judicial process or maintenance of public order or such other matters as may be so declared from time to time and such information shall stand exempted from disclosure under this Act:

Provided that while declaring any information as secret the concerned Government or Administration shall give an explanatory note of reasons for declaring it as such.

Reports.

6. Each Bureau shall submit a yearly report on its working to the Governor of the State or the Lieutenant Governor or such other authority of the Union territory who shall forward the same to the President, as soon as practicable, with his comments and recommendations thereon.

Obligation to supply information.

7. Subject to the provisions of section 5, it shall be obligatory on the part of each Bureau to make available the maximum possible information to citizens and also on the part of the Central Government and the Governments of the States and the Administrations of the Union territories, as the case may be, to make available to the respective Bureau requisite information on priority basis.

Complaint and appeal.

8. In every case of denial or undue delay in getting required information a citizen shall have the opportunity to make a complaint to the Chief of Bureau in regard thereto, in the first instance, and to make a first appeal to the Governor or the Lieutenant Governor, as the case may be, and the second appeal to the President, against the decision of the Chief of Bureau, the Governor or the Lieutenant Governor, as the case may be.

Fees for information.

9. Each Bureau shall charge such fees for making available any information as it may deem adequate in respect of each class of information.

Officers and other staff.

10. (1) Each Bureau shall have a Secretary and such other Officers and staff as may be considered necessary from time to time to execute the work of the Bureau efficiently.

(2) Every officer and member of staff appointed under this Act shall be deemed to be a public servant.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Ours is the largest democracy in the world. It is based on the famous dictum of Abraham Lincoln that Democracy is Government of the People, for the People and by the People. People being at the centre stage in a democracy have every right to have the information as to what their representatives and Government is doing for them at the national and international levels. But unfortunately people at large do not get exact and proper information resulting in widespread discontent among the people leading to all sorts of turmoil and disturbances in almost all parts of the country. It has been noticed that one of the basic causes of this disturbing phenomenon is ignorance and lack of adequate information available to the people leading to mistrust among them regarding the working and pronouncements of the Government. It is, therefore, being felt that people should have the right for accurate information remove ignorance and mistrust of the people. Many countries have given right to information as a fundamental right and our country has also pledged to have access to information but nothing concrete has so far been done in this regard. Hence we have to make a beginning by having a law providing for the freedom of information to the people.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of such number of the National Information Bureaus in each State and Union territory, as may be considered necessary, by the Central Government. Clause 10 provides for the appointment of a Secretary for each Bureau and such other officers and staff as may be considered necessary from time to time for the work of the Bureau efficiently. If enacted and brought into operation it would involve expenditure from the Consolidated Fund of India.

There is likely to a non-recurring expenditure of approximately rupees ten crores and recurring annual expenditure of about the same order.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of Legislative power is of normal character.

SUDARSHAN AGARWAL,
Secretary-General.